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243. The device according to claim 120<sup>60</sup>, further comprising

- 616
- e) an additional laser beam generation device for generating an additional laser beam with a wavelength different from the first wavelength,
  - f) an additional focusing device for focusing said additional laser beam onto the measuring volume wherein the additional laser beam is such highly focused within the measuring volume that in essence it exclusively covers the measuring volume,
  - g) an additional detector device for detecting fluorescence radiation generated due to excitation of one or more molecules, molecular complexes or molecular fragments, and
  - h) a correlator unit which is connected with the two detector devices.

#### REMARKS

Claims 119-137, 139-205, 207-232, and 241-243 are presented.

New claim 243 is identical to claim 154 as filed; claim 154 being amended hereby to be dependent on claim 119, instead of claim 120. This change is made so that the subject matter found in original multiple dependent claims is more accurate represented.

Other changes to the claims effected, hereby, are explained below in the context of addressing the remaining rejection - under 35 USC §112, second paragraph - of record.

Attached hereto, as Appendix (pages i-xii), is the requisite marked up version of the amended claims.

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In accordance with the instant Office Action, claims 119-137, 139-154, 157-161, 163-169, 173-179, 186, 187, 201-205, 207, 211-217, 224, 225, 227, 228, 241, and 242 were allowed. Applicants submit that changes to the allowed claims made, hereby, do not affect their allowability.

The remaining claims of record were considered allowable, in accordance with the instant Office Action, if, rewritten to overcome the rejection of record under 35 USC §112, second paragraph. Applicants submit that the rejection is overcome in view of the changes made, hereby, to the rejected claims, taken together with the following remarks.

Claims 155 and 156 are rejected as allegedly being vague and indefinite due to the recitation of "(lens, filter, mirror, detector)" in part j) of each claim. This recitation is not meant to limit the "optical elements" to those listed in parenthesis but, rather, is of exemplary nature. Therefore, this paper cancels the recitation in parenthesis.

Claims 162 and 200 were rejected for allegedly being vague as to what is considered a "computer assisted way". The term "computer assisted way" is no longer used. Instead, each claim is amended to recite "computer assisted means."

Applicant corrected claim 168 to depend on claim 120, i.e., on the technical embodiment comprising a detector in the image.

Claims 170-172, 185, 188, 208-210, 223, and 226 were rejected as allegedly being vague and indefinite use claims. The rejected claims are amended to no longer recite "used."

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Claims 180-184, 189-199, 218-222, and 229-232 were rejected as allegedly being vague and indefinite as to how additional components recited in the rejected claims are structurally related to the components recited in the device of claim 119 or any intervening claims.

Claims 180-184 and 218-222 are amended to recite that the "electrophoresis cell" is for "charging/discharging of a sample to be analyzed into the measuring volume." The electrophoretic device and the corresponding embodiments of the electric trap are depicted *inter alia* in figures 20a - 20c and further described in section 21 of the specification. By utilizing such traps it becomes possible to force charged molecules or molecular complexes to move through the measurement volume. The rejected claims have been amended, accordingly.

In claims 189 and 227 the molecules to be detected are in a sample. The sample is positioned on a sample receiving device, such as a Marzhauser table, known in the art. Such Marzhauser tables are typically two- or three- dimensionally controllable, i.e., the position of the table (and consequently the position of the sample) can be controlled in the x-, y- position or in the x-, y- and z- position. So, claims 189 and 227 are amended by changing "sample volume" to read "sample comprising one or more molecules, molecular complexes or molecular fragments to be detected."

As to claims 190 and 228, control of the position of such tables (and consequently of the position of the sample) can be accomplished by two- or three-dimensional piezo drives. Accordingly, claims 190 and 228 are amended to recite "wherein the sample receiving device comprises two- or three-dimensional piezo drives to fix the sample in defined space coordinates."

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As to claims 191, 192, 229, and 230, it is clear for the person skilled in the art that the appliance is arranged between the laser beam generation device and the measuring volume.

Claims 193 and 231 are amended by changing "the device . . . comprising a multiarray detector" to recite "the device . . . wherein the detector device comprises a multiarray detector."

Claims 194 and 232 are amended by changing "excitation volumes" to "measuring volumes."

Accordingly, Applicants submit that the rejection under §112, ¶2, is overcome, rendering the rejected claims allowable.

Favorable action is requested.

Respectfully submitted,

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